

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

OCTOBER 9, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on October 9, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski,
Council Vice President Mione, and Council President
Karcher (Absent: Councilwoman Singer)

Also present were: Mayor Scannapieco,
Ronald H. Gordon, Esq., Business Administrator Chris
Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk
Deborah Usalowicz.

The following Res. # 2003-281/Ord. # 2003-20 (Accepting Dedication of Lands - Bella Vista Estates to Marlboro Twp.) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-281

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-20

AN ORDINANCE ACCEPTING DEDICATION OF LANDS
TO THE TOWNSHIP OF MARLBORO, NEW JERSEY

be introduced and passed on first reading on October 9, 2003 and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 23, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-20

AN ORDINANCE ACCEPTING DEDICATION OF LANDS
TO THE TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, Bella Vista Estates, L.L.C. the Developer ("Developer") of a community of single family homes to be known as Bella Vista Estates ("Development") located in the Township of Marlboro, County of Monmouth and State of New Jersey; and

WHEREAS, the Developer has received Preliminary and Final Site Plan and Major Subdivision Approval from the Planning Board of the Township of Marlboro to construct the Development in Block 362, Lots 13, 14, 15, 16, and portions of Lots 1 and 17 pursuant to the Approved Plan entitled "Preliminary Major Subdivision - Bella Vista Estates" prepared by Flannery, Webb and Hansen, P.A., dated June 3, 1999 and revised through August 14, 2000" (the "Approved Plan"); and

WHEREAS, the Approved Plan requires that lands be dedicated to the Township of Marlboro.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey that it shall accept dedication of Lot 16.11 in Block 362 as more particularly described on the "Final Plat - Preliminary Major Subdivision of Bella Vista Estates, Lot 16.11, Block 362, filed in the Office of the Clerk of Monmouth County on November 30, 2000, Case Number 279-5, the particulars of which are made a part hereof as though fully set forth at length herein.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

The following Res. # 2003-282 (Authorizing Amendment to Scope of Contract for Marlboro State Hospital - DeCotiis et al and North American Realty) was introduced by reference, offered by Councilman

Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-282

RESOLUTION AUTHORIZING AN AMENDMENT TO THE SCOPE OF SERVICES FOR THE LEGAL SERVICES OF DECOTIIS, FITZPATRICK, COLE & WISLER AND THE PROFESSIONAL SERVICES OF NORTH AMERICAN REALTY ADVISORY SERVICES REGARDING THE REDEVELOPMENT OF THE MARLBORO STATE HOSPITAL SITE

WHEREAS, there is a continued need for the Township of Marlboro to retain the services of special counsel and of a realty professional in order to represent the interests of the Township in matters involving the acquisition and redevelopment of the Marlboro State Psychiatric Hospital property, located at Block 159, Lot 11 on the Marlboro Tax Map, from the State of New Jersey, and specifically, in negotiations with representatives of the State relating thereto; and

WHEREAS, the Township Council had previously adopted resolutions, which appointed the law firm of DeCotiis, Fitzpatrick, Cole & Wisler, LLP (the "Special Counsel") to provide the necessary legal services to the Township for negotiating the purchase of the Marlboro State Hospital property from the State of New Jersey and which increased the expenditure cap in order to allow the continued representation of the Township's interests by the Special Counsel; and

WHEREAS, the Township Council had previously adopted resolutions, which appointed the firm of North American Realty Advisory Services ("North American") to provide the necessary realty professional services to the Township in order to perform various tasks associated with the Township's redevelopment of the Marlboro State Hospital property and which increased the expenditure cap in order to allow the continued representation of the Township's interests by North American; and

WHEREAS, it has become necessary to amend the scope of services for legal services of DeCotiis, FitzPatrick, Cole & Wisler, LLP and the professional services of North American Realty Advisory Services as it relates to their respective representation of the interests of the Township in matters involving the acquisition and redevelopment of the Marlboro State Psychiatric Hospital property; and

WHEREAS, the scope of services of the Special Counsel and North American shall be amended to include the following activities: assist and coordinate in the negotiations to acquire the Marlboro State Hospital property, including review of site data,

recommendation of use alternatives, preparation of reuse concepts, cost/benefit analysis, identification of funding sources, and assisting in the creating of informational materials related to park land and open space enhancement; and

WHEREAS, the services provided by the Special Counsel and North American are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the amending of the scope of services for the professional service contracts of the Special Counsel and North American shall not include any increase in the expenditure caps of the Special Council and North American; and

WHEREAS, the Township Council, having considered the same, now wishes to amend the professional service contracts of the Special Counsel and North American for the continued and expanded provision of the aforesaid professional services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, as follows:

1. That the scope of services of DeCotiis, FitzPatrick, Cole & Wisler, LLP and North American Realty Advisory Services shall be amended to include the following activities: assist and coordinate in the negotiations to acquire the Marlboro State Hospital property, including review of site data, recommendation of use alternatives, preparation of reuse concepts, cost/benefit analysis, identification of funding sources, and assisting in the creating of informational materials related to park land and open space enhancement.
2. That the amending of the scope of services for the professional service contracts of the Special Counsel and North American shall not include any increase in the expenditure caps of the Special Council and North American
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. DeCotiis, Fitzpatrick, Cole & Wisler, LLP
 - b. North American Realty Advisory Services
 - c. Township Administrator
 - d. Chief Financial Officer
 - e. Township Attorney

The following Res. # 2003-283 (Authorizing Contract Maser Consulting Reconstruction of Robertsville Road at Gordons Corner Road) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-283

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MASER CONSULTING, P.A. FOR PROFESSIONAL ENGINEERING, DESIGN AND SURVEYING SERVICES RELATED TO THE RECONSTRUCTION OF ROBERTSVILLE ROAD AT THE INTERSECTION OF GORDON'S CORNER ROAD IN THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, there exists a need for the services of an engineer in order to provide engineering, design and survey services to the Township of Marlboro for the reconstruction of Robertsville Road at the intersection of Gordon's Corner Road in the Township of Marlboro (the "Reconstruction"); and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Maser Consulting, P.A. to perform the aforesaid engineering, design and survey services in connection with the Reconstruction.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Maser Consulting, P.A. with regard to the aforesaid services, as per the

proposal dated September 4, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be on an hourly basis as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$35,900.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Maser Consulting, P.A.
(Attn: William H. R. White, III)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-284 (Authorization to Bid - Swim) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-284

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following

said work, labor and/or materials as required by law:

Swim Club - Upgrade Electrical Room

The following Res. # 2003-285 (Award of Bid - 25 Ton Trailer) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-285

A RESOLUTION AWARDING A CONTRACT TO HARTER EQUIPMENT, INC. TO PROVIDE A TWENTY-FIVE TON EAGER BEAVER TRAILER OR BRAND EQUIVALENT TO THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of a Twenty-Five (25) Ton Eager Beaver Trailer or Brand Equivalent to the Township of Marlboro Division of Public Works and on August 22, 2003 received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

1. Foley, Inc., 855 Centennial Avenue, Piscataway, NJ 08855 for the amount of \$19,400.00
2. Harter Equipment, Inc., 615 Highway 33, Englishtown, NJ 07726 for the amount of \$18,300.00; and

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bids received and recommended that same be awarded to Harter Equipment, Inc. as the lowest responsible bidder; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Harter Equipment, Inc. of Englishtown, New Jersey to provide a Twenty-Five (25) Ton Eager Beaver Trailer or Brand Equivalent to the Division of Public Works of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Harter Equipment, Inc. of Englishtown, New Jersey to provide a Twenty-Five (25) Ton Eager Beaver Trailer or Brand Equivalent to the Division of Public Works of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Harter Equipment, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Harter Equipment, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-286 (Award of Bid - Hydraulic Excavator) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-286

A RESOLUTION AWARDING A CONTRACT TO FOLEY, INC. TO PROVIDE A 2003 OR NEWER CAT 307C HYDRAULIC TRACK-TYPE EXCAVATOR OR BRAND EQUIVALENT TO THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of a 2003 or newer CAT 307C Hydraulic Track-Type Excavator or brand equivalent to the Marlboro Township Division of Public Works, and on August 22, 2003, received one (1) bid therefor; and

WHEREAS, the (1) bid received was as follows:

1. Foley, Inc., 855 Centennial Avenue, Piscataway, NJ 08855
for the amount of \$91,000.00

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bid received and recommended that same be awarded to Foley, Inc. as the apparent lowest responsible bidder; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Foley, Inc. of Piscataway, New Jersey to provide a

2003 or newer CAT 307C Hydraulic Track-Type Excavator or brand equivalent to the Marlboro Township Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Foley, Inc. of Piscataway, New Jersey for the provision of a 2003 or newer CAT 307C Hydraulic Track-Type Excavator or brand equivalent to the Marlboro Township Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Foley, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Foley, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-287 (Award of State Contract A45069 - Police Car) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-287

A RESOLUTION AUTHORIZING THE PURCHASE OF
A NEW FORD CROWN VICTORIA POLICE CAR UNDER STATE CONTRACT # A45069

WHEREAS, the Township of Marlboro Division of Police has recommended that the Township purchase a new Ford Crown Victoria Police Car and related options from Winner Ford of Cherry Hill, New Jersey under State Contract #A45069 for the amount of \$20,771.88; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide

new equipment to the Division of Police; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase a new Ford Crown Victoria Police Car and related options from Winner Ford of Cherry Hill, New Jersey under State Contract #A45069 for the amount of \$20,771.88.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Winner Ford of Cherry Hill, New Jersey
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-288 (Award of State Contract A51005 - Recording System for Communications) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-288

A RESOLUTION AUTHORIZING THE PURCHASE OF
ONE NEW EVANTIDE VR3322 THIRTY-TWO (32) CHANNEL VOICE LOGGER
UNDER STATE CONTRACT # A51005

WHEREAS, the Township of Marlboro Division of Police has recommended that the Township purchase one new Evantide VR3322 Thirty-Two (32) Channel Voice Logger from Quality Communications of Lakewood, New Jersey under #A51005 for the amount of \$26,883.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide new equipment to the Division of Police; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase Ewantide VR3322 Thirty-Two (32) Channel Voice Logger from Quality Communications of Lakewood, New Jersey under #A51005 for the amount of \$26,883.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Quality Communications of Lakewood, New Jersey
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-289 (Award of Contract - 911 Memorial Inspections) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-289

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER
INTO A PROFESSIONAL SERVICES CONTRACT WITH CME ASSOCIATES
REGARDING THE PERFORMANCE OF SITE INSPECTION PHASE
SERVICES FOR THE MARLBORO 9/11 REFLECTIONS MEMORIAL

WHEREAS, the Township of Marlboro has undertaken the construction of a 9/11 Reflections Memorial ("Memorial") to commemorate the victims of the 9/11 terrorist attack on the United States of America; and

WHEREAS, in order to complete the Memorial, it is necessary to acquire the services of an engineering professional to provide construction phase services such as pre-construction conferences, construction observation, preparation and approval of pay estimates, preparation of punch lists and contract administration, among other matters; and

WHEREAS, the Township requires the services of an engineering professional in order to perform such construction phase services in connection with the construction of the Memorial; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the award of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize CME Associates to perform the aforesaid construction phase services with respect to the construction of the Memorial.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and CME Associates, with regard to the aforesaid construction phase services, as per the proposal dated September 17, 2003 and revised through September 24, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$8,000.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates
(Attn: Gregory R. Valesi, Partner)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-290 (Change Order - Housing Rehab) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-290

A RESOLUTION AUTHORIZING AN INCREASE IN THE DEFERRED LOAN
AMOUNT AVAILABLE UNDER THE MARLBORO TOWNSHIP HOUSING
REHABILITATION PROGRAM FOR APPLICATION NO. 02-029

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which is administered in accordance with the Housing Rehabilitation Program Policy and Procedural Manual; and

WHEREAS, the Policy and Procedural Manual provides the Township Council with the discretion to increase the caps as to the maximum deferred loan amounts available to eligible homeowners where the lowest qualified bid received for providing the rehabilitation work exceeds the deferred loan caps; and

WHEREAS, in accordance with the Policy and Procedural Manual, bids were received in order to provide the necessary rehabilitation work associated with Application No. 02-029; and

WHEREAS, the lowest qualified bid received was in the amount of \$11,557.00; and

WHEREAS, upon carrying out the rehabilitation work it was discovered that plywood roof sheathing was rotted and required replacement at an additional cost of \$1,980.00; and

WHEREAS, the Program Administrator, Housing Services, Inc., has recommended that the deferred loan amount be increased to \$13,557.00, exceeding the cap of \$12,000.00 with regard to Application No. 02-029 in order to effectuate the aforesaid repairs; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council is amenable to increasing the cap for Application No. 02-029 from \$12,000.00 to \$13,557.00 in order to effectuate the aforesaid repairs.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the deferred loan amount available under the Township's Housing Rehabilitation Program is hereby increased to \$13,557.00 with regard to Application No. 02-029.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Housing Services, Inc. (attn: Tom Woodruff)
- b. Township Administrator
- c. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-291 (Change Order - Road Program) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-291

A RESOLUTION AUTHORIZING AND APPROVING A CHANGE ORDER
ADJUSTING THE ORIGINAL CONTRACT BETWEEN THE TOWNSHIP
OF MARLBORO AND STAVOLA CONTRACTING COMPANY, INC.
FOR MILLING AND OVERLAY SERVICE CONTRACT CLOSE-OUT

WHEREAS, in August of 2001 the Township of Marlboro awarded a contract to Stavola Contracting Company, Inc. for milling and overlay services on various roads in the Township in connection with the Marlboro Township 2001 Road Program (the "Contract"); and

WHEREAS, the amount of the Contract awarded to Stavola Contracting Company, Inc. was \$515,021.00; and

WHEREAS, work was completed this year by Stavola Contracting Company, Inc. for a total amount of \$488,332.11, reflecting a decrease of \$26,688.89 in the Contract amount of \$515,021.00, requiring a Change Order to amend the amount of the Contract and close-out the account; and

WHEREAS, the Township Administration and the Division of Public Works have reviewed the invoices for the completed work and have recommended that a Change Order to amend the amount of the Contract from \$515,021.00 to \$488,332.11, reflecting a decrease of \$26,688.89 from the original Contract amount and to close out the account for Stavola Contracting Company, Inc. for the Township's 2001 Road Program be authorized and approved by the Township Council; and

WHEREAS, the Mayor and Township Council have indicated their agreement that a Change Order to amend the amount of the contract from \$515,021.00 to \$488,332.11, reflecting a decrease of \$26,688.89 from the original Contract amount and to close out the account for Stavola Contracting Company, Inc. for the Township's 2001 Road Program be authorized by the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Change Order to amend the amount of the contract from \$515,021.00 to \$488,332.11, reflecting a decrease of \$26,688.89 from the original Contract amount and to close out the account for Stavola Contracting Company, Inc. for the Township's 2001 Road Program be and hereby is authorized and approved; and

BE IT FURTHER RESOLVED, that the Township Division of Public Works is hereby authorized to issue a Change Order for the aforementioned work to Stavola Contracting Company, Inc.; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stavola Contracting Company, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-292 (Raffle License Collier School - Off Premise 50/50) was introduced by reference, offered by Councilman Kovalski, seconded by Council Vice President Mione and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-292

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 12-03 (Off Premise 50/50) be and it is hereby granted to Collier Services, 160 Conover Road, Wickatunk, New Jersey 07765.

BE IT FURTHER RESOLVED that said Raffle will be held on November 16, 2003 at 1 PM at Collier Services, 160 Conover Road, Wickatunk, New Jersey 07765.

After discussion, the following Resolution # 2003-293 (Resolution Supporting Senate Bill 2313 - Permitting change to method of apportioning costs among municipalities of FRHSD if approved by majority vote of the entire district) was introduced by reference as amended, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Singer).

RESOLUTION # 2003-293

RESOLUTION SUPPORTING SENATE BILL NO. 2313-REGIONAL
SCHOOL COST APPORTIONMENT

WHEREAS, Legislation has been introduced that would permit a change to the method of apportioning costs among the constituent municipalities of the Freehold Regional High School District if said change is approved by the majority vote of the entire Regional District rather than the current method whereby cost apportionment change must be approved by a majority vote of each constituent municipality,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that it hereby supports Senate Bill No. 2313 and urges its adoption by the State Legislature, and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. State Legislators serving the Township of Marlboro
2. Mr. James Wasser, Superintendent, Freehold Regional School District
3. Dr. David Abbott, Superintendent, Marlboro Local School District
4. Mayors of all Freehold Regional School District Municipalities.

At 9:35pm, Councilman Kovalski moved that the meeting go into executive session for reason of discussing contract negotiations, property acquisition, litigation and personnel. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Singer). Recess was called, and the closed session commenced at 9:50 PM.

RESOLUTION # 2003-294

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 9th day of October 9, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, property acquisition, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:15pm, Councilman Kovalski moved that the meeting be opened. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Singer).

At 10:16pm, Councilman Kovalski moved that the meeting be adjourned. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Singer).

MINUTES APPROVED: November 13, 2003

OFFERED BY:	Kovalski	AYES:	4
SECONDED BY:	Denkensohn	NAYS:	0
		ABSTAIN:	Singer

ALIDA DE GAETA
MUNICIPAL CLERK

ELLEN KARCHER
COUNCIL PRESIDENT

